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LONGS DRUG STORES CALIFORNIA, LLC dba

LONGS DRUGS #9813

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MARTHA BROVELLI,

Plaintiff,

vs.

LONGS DRUG STORES
CALIFORNIA, LLC dba LONGS
DRUGS #9813; JOHN AND MARY
DOES 1-10, and DOE
CORPORATIONS, PARTNERSHIPS,
or OTHER ENTITIES 1-10,

Defendants.

CIVIL NO. _____

DEFENDANT LONGS DRUG
STORES CALIFORNIA, LLC'S
NOTICE OF REMOVAL;
EXHIBIT "A"; CERTIFICATE OF
SERVICE

**DEFENDANT LONGS DRUG STORES
CALIFORNIA, LLC'S NOTICE OF REMOVAL**

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAI'I

Defendant LONGS DRUG STORES CALIFORNIA, LLC ("Longs"), by and through its attorneys, Goodsill Anderson Quinn & Stifel LLP, A Limited Liability Law Partnership, pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446 and Rule 11 and 81(c) of the Federal Rules of Civil Procedure, hereby give notice of the removal of Civil No. 15-1-1265-06 VLC from the Circuit Court of the First Circuit, State of Hawaii to the United States District Court for the District of Hawaii. Removal is based upon 28 U.S.C. § 1332(a) and the procedural requirements for removal have been satisfied. As grounds for removal, Longs states as follows:

1. On or about August 2, 2016, Plaintiff MARTHA BROVELLI ("Plaintiff"), commenced an action against Longs and certain Doe Defendants by filing its Complaint in the Circuit Court of the First Circuit, State of Hawaii (the "State Court Action"). A copy of the Complaint and Summons are attached hereto as **Exhibit A.**

2. The Complaint filed in the State Court Action states that Plaintiff was and at all times pertinent herein a resident of the City and County of Honolulu, State of Hawaii. (*See* Complaint, ¶ 1.)

3. Longs Drug Stores California, LLC is a California limited liability company. (See Complaint, ¶ 2.) Its sole member is Longs Drug Stores, LLC (“LDS”), a Maryland limited liability company with its principal place of business and company headquarters in Rhode Island. LDS’s sole member is CVS Pharmacy, Inc. (“CVS”), a Rhode Island corporation with its principal place of business and corporate headquarters in Rhode Island. Therefore, both LDS and CVS are citizens of Rhode Island. CVS is wholly owned by CVS Health Corporation, fka CVS Caremark Corporation, a Delaware Corporation with its principal place of business in Rhode Island.

4. Complete diversity of citizenship exists between Plaintiff and Longs because they are citizens of different states.

5. Based on the allegations in the Complaint, it is facially apparent that the alleged amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. This Court “may consider whether it is ‘facially apparent’ from the complaint that the jurisdictional amount is in controversy” or “may consider facts in the removal petition.” *Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 377 (9th Cir. 1997) (citations omitted). In the Complaint, Plaintiff alleges that she suffered serious and potentially permanent injuries and claims to have experienced severe emotional distress. (Complaint, ¶¶ 12, 13.) As a result, Plaintiff contends that she has sustained special, general, economic, and

other common law damages for which she is seeking an award of general, special, punitive and exemplary damages, plus prejudgment interest and attorneys' fees.
(Prayer for Relief at pp. 3-4.)

6. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because complete diversity of citizenship exists between Plaintiff and Longs and because the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

7. The United States District Court for the District of Hawaii encompasses the county in which the State Court Action is now pending, and therefore this Court is the proper District Court to which this case should be removed pursuant to 28 U.S.C. § 1441(a).

8. This Notice of Removal is being filed within thirty (30) days after the simultaneous service of the Complaint and Summons on Longs, and therefore is timely filed pursuant to 28 U.S.C. § 1446(b).

9. This short and plain statement of the grounds for removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Longs prays that the above-entitled action be removed from the Circuit Court of the First Circuit, State of Hawaii to the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawai‘i, August 31, 2016.

/s/ Dawn T. Sugihara

THOMAS BENEDICT
DAWN T. SUGIHARA

Attorneys for Defendant
LONGS DRUG STORES
CALIFORNIA, LLC